
FYI-101

New Mexico
Taxation and Revenue Department

FOR YOUR INFORMATION

Tax Information/Policy Office ♦ P.O. Box 630 ♦ Santa Fe, New Mexico 87504-0630

INFORMATION FOR NEW RESIDENTS

If you are new to New Mexico or thinking about moving here, welcome!

The New Mexico Taxation and Revenue Department administers most of the state's tax laws and issues driver's licenses and motor vehicle registrations through the Motor Vehicle Division.

This publication answers practical questions that newcomers frequently ask about taxes, driver's licenses, and vehicle registration. Long-time residents will find valuable updates on taxes and vehicle regulations.

Taxpayers should be aware that subsequent legislation, regulations, court decisions, revenue rulings, notices and announcements could affect the accuracy of this bulletin's contents. Please contact your district tax office if in doubt.

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GROSS RECEIPTS TAXES

What is New Mexico's sales tax rate?

Unlike most states New Mexico does not have a sales tax. It has instead a gross receipts tax imposed on the receipts of persons engaging in business in New Mexico. The business usually recovers the tax cost from the buyer by adding the tax as a separate charge at the time of sale.

What is the gross receipts tax rate?

The statewide rate is 5.125%, but county and municipal governments can and do impose local gross receipts taxes above the state rate of 5.125% to pay for local police and fire protection and other services that benefit businesses and the public. The combined state and local tax rate varies by location and ranges from 5.5% to 8.6875% effective July 1, 2011. To determine a specific tax rate please request the semiannual *Gross Receipts Tax Rate Schedule* at any local tax office. Telephone numbers are on page 11. The rate schedule is also on our web site at www.tax.newmexico.gov.

What is taxable?

With few exceptions sales of tangible personal property are taxable transactions. New Mexico also taxes sales of certain licenses, services performed within the state's borders, research and development services performed outside New Mexico for initial use in New Mexico, and receipts from property leased or licensed for use in New Mexico and receipts from granting a right to use a franchise employed in New Mexico. The law presumes all business transactions taxable to the business unless statute provides a specific exemption or deduction.

Businesses register with the Taxation and Revenue Department to obtain a tax identification number, tax reporting forms, and instructions. For a wider discussion of gross receipts tax see FYI-105, *Gross Receipts and Compensating Tax, an Overview*.

Individuals receiving 1099-MISC income, reported to the IRS on a Schedule C, is generally considered to be business income that the taxpayer is required to report as gross receipts and pay gross receipts tax on. There are exceptions if the business activity is exempted by New Mexico statutes. If the gross receipts are not exempt, but deductible, they must still be reported as gross receipts in regular reporting intervals.

PERSONAL INCOME TAXES AND RELATED TAXES

Does New Mexico have a personal income tax?

Yes. New Mexico imposes a tax on every resident's net income from employment, unearned income, gambling, pensions, annuities, and income from real or personal property in this state or from businesses located in this state. Nonresidents are taxed on the net income from property, employment or business in New Mexico.

New Mexico's personal income tax "piggybacks" on the federal return by using federal adjusted gross income (FAGI) as its base. Net income usually equals federal taxable income, although some special deductions are available. New Mexico uses the same dollar amounts as the federal government for personal exemptions, standard deductions and itemized deductions, less the amount for state and local income and sales taxes.

What is New Mexico's personal income tax rate?

New Mexico has a graduated rate table with four brackets ranging from 1.7% to 4.9%. The following table is for tax year 2008 and subsequent years:

A. For married individuals filing separate returns:	
If the taxable income is:	The tax shall be:
Not over \$4,000	1.7% of taxable income
Over \$ 4,000 but not over \$ 8,000	\$ 68.00 plus 3.2% of excess over \$ 4,000
Over \$ 8,000 but not over \$ 12,000	\$ 196 plus 4.7% of excess over \$ 8,000
Over \$ 12,000	\$ 384 plus 4.9% of excess over \$ 12,000.
B. For heads of household, surviving spouses and married individuals filing joint returns:	
If the taxable income is:	The tax shall be:
Not over \$8,000	1.7% of taxable income
Over \$ 8,000 but not over \$ 16,000	\$ 136 plus 3.2% of excess over \$ 8,000
Over \$ 16,000 but not over \$ 24,000	\$ 392 plus 4.7% of excess over \$ 16,000
Over \$ 24,000	\$ 768 plus 4.9% of excess over \$ 24,000.
C. For single individuals and for estates and trusts:	
If the taxable income is:	The tax shall be:
Not over \$5,500	1.7% of taxable income
Over \$ 5,500 but not over \$ 11,000	\$ 93.50 plus 3.2% of excess over \$ 5,500
Over \$ 11,000 but not over \$ 16,000	\$ 269.50 plus 4.7% of excess over \$ 11,000
Over \$ 16,000	\$ 504.50 plus 4.9% of excess over \$ 16,000.
D. The tax on the sum of any lump-sum amounts included in net income is an amount equal to five multiplied by the difference between:	
(1) the amount of tax due on the taxpayer's taxable income; and	
(2) the amount of tax that would be due on an amount equal to the taxpayer's taxable income and twenty percent of the taxpayer's lump-sum amounts included in net income.	

Who is required to file a personal income tax return?

You are required to file a personal income tax return in New Mexico if you are either:

- 1) a New Mexico *resident*, including persons physically present in New Mexico for 185 days or more during a calendar year (see definition of "resident" below) who is required to file a federal tax return with the IRS, or
- 2) a *nonresident* with income or loss from New Mexico sources who is required to file a federal income tax return with the IRS.

How do I determine if I'm a resident or a nonresident?

A **resident** is an individual domiciled in New Mexico during the tax year whether or not the individual was physically present in the state. *In addition, a person physically present in the state for 185 days during a tax year, whether or not that person considered New Mexico as a permanent home, is a resident for income tax purposes.* In general your *domicile* is the place you intend as your permanent home or the state where your permanent home is located. It is the home to which you plan to return after being away on vacation, business, educational leave, military assignment, volunteer service or other temporary absence.

A **nonresident** is a person who was not domiciled in New Mexico during any part of the year and who was not physically present in the state for at least 185 days. Nonresidents include individuals who are domiciled outside New Mexico and present in New Mexico for fewer than 185 days in a calendar year.

A **first-year resident** is a person who moved to New Mexico during the tax year, intending to establish permanent residence in New Mexico, whether or not the person was physically present for 185 days (see above). A former resident who returns to New Mexico may file as a first-year resident if that person was a nonresident of the state for at least a full tax year.

Military personnel are subject to special residency rules. A person serving in the United States Armed Forces does not become a resident of New Mexico solely because that person is present in New Mexico on military orders even when physically present in New Mexico for 185 days or more. A New Mexico resident serving in the military does not lose New Mexico residency solely because he or she is absent from the state on military orders. Spouses and dependents of military personnel hold the same status as other civilians. For tax years beginning on or after January 1, 2007, active duty armed forces pay is exempted from New Mexico personal income tax.

Does New Mexico, like the IRS, require quarterly estimated tax payments?

Yes. If the tax shown on your state tax return exceeds the total withheld by \$500 or more, you must make estimated individual income tax payments. First-year residents filing in New Mexico for the first time are **not** subject to the estimated payment requirement. Contact one of the local tax offices (please see FOR FURTHER ASSISTANCE, page 11) to obtain the estimated payment **PIT-ES form** and instructions. Publication FYI-320, *PIT-ES: Personal Income Tax Estimated Payment*, is available at the local tax offices or from the Taxation and Revenue web site at www.tax.newmexico.gov. Click on “forms and publications.”

What forms do I need to file New Mexico personal income taxes?

The forms depend on your financial status and residence category. Below are some general guidelines.

Everyone who files a New Mexico personal income tax return files the **PIT-1 form**, including those who wish to claim a refund of income tax withheld or to claim the refundable rebates or credits. Some taxpayers are required to or may wish to file other schedules that accompany the PIT-1 form. Those schedules are:

- ◆ *All* taxpayers with income or losses from outside New Mexico attach a **PIT-B allocation and apportionment schedule**. The **PIT-B** schedule separates New Mexico income and income from elsewhere so tax liabilities can be distributed appropriately.
- ◆ Nonresidents may need to attach either the **PIT-B allocation and apportionment schedule** or **Alternative Tax Schedule — Schedule CC**. *Schedule CC* is for taxpayers who: 1) have no business activities in New Mexico other than sales; 2) do not own or rent real estate in New Mexico, and 3) have annual gross sales in or into New Mexico of \$100,000 or less.
- ◆ Residents attach the **PIT-1-RC rebate and credit schedule** to claim the low-income comprehensive tax rebate, the property tax rebate for persons age 65 and older or blind, the low-income property tax rebate for Los Alamos County residents, the child

day care credit, film production tax credit and the credit for certain unreimbursed and uncompensated medical expenses of taxpayers over 65 years of age.

- ◆ The **PIT-ADJ schedule of additions and deductions** applies to taxpayers with certain adjustments to federal adjusted gross income and those eligible for certain state exemptions and deductions. Check instructions carefully. The form is also for filers who claim credit for taxes paid to another state when New Mexico and the other state claim the identical portion of gross income.
- ◆ **PIT-D New Mexico voluntary contribution form** directs all or part of a refund to one or more recipients (wildlife, national cemetery, substance-abuse education, reforestation, New Mexico political parties, the New Mexico National Guard, state parks, and other worthy funds and causes; see the PIT-D instructions for more information). The contribution cannot be more than the amount of the refund.
- ◆ The **PIT-S Dependent Exemption form** is a supplemental attachment for taxpayers with more than five federal qualifying dependent exemptions.
- ◆ The **PIT-CR New Mexico Non-Refundable Credit Schedule** on which a number of non-refundable credits that may be taken against New Mexico personal income taxes may be claimed.

Does New Mexico offer a tax break for low-income filers?

Yes. The state's low-income comprehensive tax rebate is for resident filers with modified gross incomes of \$22,000 or less (for tax year 2000 and later) who also meet other qualifications. *"Modified gross income" is a calculation unique to New Mexico. It means -- for the entire household -- all income and all compensation from other sources regardless of whether the income is taxable by the U.S. Government or the state of New Mexico.*

There is also an exemption for Low- and Middle-Income Taxpayers which is based upon adjusted gross income. To qualify you must have an adjusted gross income of \$27,500 or less if you are married and filing separately, \$36,667 or less for single individuals, or \$55,000 or less for married individuals filing jointly.

Does New Mexico offer a tax break for working families?

Yes. A refundable tax credit has been added, which totals 10 percent of the federal earned income tax credit for which a taxpayer is currently eligible.

Does New Mexico offer a tax break to retirees?

Yes. Depending on income level, taxpayers 65 years of age or older may be eligible for a deduction from taxable income of up to \$8,000 each. Low-income taxpayers may also qualify for a property tax rebate even if they rent their primary residence. Please see "Property Taxes" on page 6 for a discussion of the range of residential and commercial property taxes. Beginning with tax year 2002 persons 100 years of age or more who are not dependents of other taxpayers are exempt from filing and paying New Mexico personal income tax.

The state also provides an income tax *exemption* of up to \$3,000 to those 65 and older for medical expenses for either that person or his or her spouse or dependents, but the expenses

must exceed \$28,000 and must not be reimbursed or compensated by other such other means as health insurance or Medicaid. That same taxpayer may also claim an additional refundable *credit* of up to \$2,800 for unreimbursed or uncompensated medical expenses.

There is also an exemption for Low- and Middle-Income Taxpayers which is based upon adjusted gross income. To qualify you must have an adjusted gross income of \$27,500 or less if you are married and filing separately, \$36,667 or less for single individuals, or \$55,000 or less for married individuals filing jointly.

Does New Mexico offer tax breaks to active duty military members?

Yes. Active duty income earned by active duty members of the armed forces is exempt from New Mexico's personal income tax. Beginning with the tax year 2009, a military service member's spouse, who moves to New Mexico solely to be with their spouse who is in New Mexico because of military orders, may keep their out-of-state residency status and may source their non-military wages, salaries, tips, *etc.*, to their state of residence.

Does New Mexico offer a credit for income tax paid to another state?

Yes, but only for New Mexico residents. The credit is limited to the tax imposed by the other state *on that portion of gross income that is also included in New Mexico gross income*. The credit can not be greater than either the New Mexico income tax liability or 5.5% of the income taxable in the other state and allocated or apportioned to New Mexico. Take the credit on the **PIT-1** form.

Does New Mexico have an estate tax?

Yes, but only for tax years prior to 2005. Effective for tax year 2005 the federal government has eliminated the credit for state estate tax for estates of persons deceased in 2005 or later. Because New Mexico's tax is based on that credit, federal action also removes the basis for the New Mexico calculation. For prior years the New Mexico estate tax continues to be based on the New Mexico portion of the net estate. That amount equals a proportionate share of the federal credit whether or not the taxpayer is a resident of New Mexico.

Does New Mexico impose an inheritance tax on heirs?

No, there is no specific inheritance tax, but a filer may have a personal income tax liability for other reasons. An inheritance counts as part of a taxpayer's modified gross income when calculating the low-income comprehensive tax rebate.

PROPERTY TAXES

What is the property tax rate in New Mexico?

Rates vary substantially and depend on property type and location. For residential property in the 2009 tax year the tax rate ranges from about \$10 to \$39 per \$1,000 of net taxable value. Net taxable value is one-third of assessed value less exemptions (see next question). For non-residential property the tax rate varies from \$12 to \$45 per \$1,000 of net taxable value. The statewide rate averages about \$28 per \$1,000 for residential property and \$31 per \$1,000 for non-residential property. Rates by location and other property tax statistics are available on the TRD web site, www.tax.newmexico.gov.

How is taxable value of property determined?

New Mexico assesses residences at market value. Assessors usually determine market value by the sales-comparison approach that bases market value on prices paid for similar properties. One-third of that amount is the taxable value. Taxable value less exemptions¹ yields net taxable value. To arrive at tax due, multiply net taxable value by the tax rate. Beginning in 2003 the assessed value of residential property that did not change hands in the prior year may not increase by more than 3% annually (excluding an increase due to physical changes to the property).

Is personal property taxed?

In general, no. Exempt from the property tax are personal household effects, licensed vehicles, registered aircraft, certain personal property warehoused in the state, and business personal property not depreciated for federal income tax purposes. Business personal property for which the owner has claimed depreciation for federal income tax purposes is taxable.

Is there a property tax break for older taxpayers?

Beginning with the 2001 property tax year the assessed value of a single-family, owner-occupied residence whose owner is 65 years of age or older and whose modified gross income is \$18,000 or less cannot rise above its year 2001 assessed value or its assessed value in the year the owner reaches his or her 65th birthday. Please see the discussion of “modified gross income” on page 5.

DRIVER AND VEHICLE INFORMATION

How soon after moving to New Mexico do I have to register my vehicle in New Mexico and get a New Mexico driver's license?

Once you have established residency in New Mexico, you are required to register and title in New Mexico any vehicle that you operate on the roads of the state; and you must surrender your driver's license from any other state and apply for a New Mexico license. For the purpose of vehicle registration, you are presumed to be a resident of New Mexico when you are gainfully employed in the state for a period of 30 days or more within a 60-day period.

How do I apply for a New Mexico driver's license?

There are three steps to get a New Mexico driver's license:

1. Take and pass the “None for the Road” course. This self-taught course on New Mexico's DWI laws and prevention is ***required for all first-time applicants for a New Mexico license between 18 and 25 years of age no matter how long the driver has been licensed elsewhere.*** Applicants over 25 years of age are not required to complete the course unless they have been convicted of DWI. **NOTE:** New Mexico has a special, graduated licensing program for drivers 15 to 18 years of age. Call the nearest Motor Vehicle Office (see page 12) for information.

¹ New Mexico law allows a \$2,000 head-of-family exemption. Statute also provide a \$2,000 veterans' exemption in tax year 2003, increasing to \$3,000 in 2004, \$3,500 in 2005 and \$4,000 in 2006.

2. Take the required identification specified below and your certificate of completion of the "None for the Road" course (if applicable) to any Motor Vehicle Division field office or to a satellite office. Check the MVD web site, www.mvd.newmexico.gov, for the nearest Motor Vehicle Division office. **NOTE:** Private MVD Field Offices are authorized, privately run offices that charge an additional service fee. They are usually located in well-trafficked businesses and offer the most frequently requested services.
3. For increased security purposes, New Mexico has moved to central issuance of driver's licenses. A temporary license will be issued at the field office and the official license will be mailed to the driver in approximately two weeks. This is the procedure for first-time licenses and for renewals.

How do I sign up for a "None for the Road" course?

The Taxation and Revenue Department does not administer this self-taught course. To learn more about it contact University of New Mexico Continuing Education at 505-277-0051 in the Albuquerque area, or 1-877-663-7465 outside the Albuquerque area. The tuition is \$20.

What should I take with me to the field office to get a New Mexico driver's license?

You will need to provide: 1) your Social Security card or official verification of your Social Security number from the Social Security administration; or, if you are not eligible for a Social Security card, a current, valid passport or a Matricula Consular issued by the Mexican Consulate in Albuquerque or El Paso; 2) one additional document to prove your identity (such as an original birth certificate, passport or driver's license from another state); and 3) two documents to prove New Mexico residency (these should be original documents that have a physical New Mexico address). For more detailed information about acceptable documents, see the MVD web site at www.mvd.newmexico.gov. Also take your certificate of completion from the "None for the Road" course, if required.

Even if you have a current, valid driver's license from another state, you must pass an eye examination at the Motor Vehicle Division field office. If your out-of-state driver's license has been expired for more than a year, the MVD will require a written exam, road test and an eye exam.

New Mexico will not issue a license to any driver whose driving privilege is currently suspended, revoked or denied by this state or any other state.

What is the fee for a driver's license?

The fee is \$18.00 for a four-year license or \$34.00 for an eight-year license. Drivers 75 years of age or older must renew their licenses yearly but do not pay renewal fees.

How do I obtain a New Mexico vehicle registration and title and a license plate?

Take the following documentation to any Motor Vehicle Division field office:

- ◆ current certificate of title and registration from another state;
- ◆ odometer reading to complete an odometer statement; and

- ♦ proof of your New Mexico residence address.

You will also need a vehicle identification number (VIN) inspection. The VIN inspection is usually performed by an MVD field office agent, but may also be done by a full-time law enforcement officer.

In addition to the above requirements, residents of Bernalillo County and parts of adjacent counties in the Albuquerque metropolitan area must prove that the vehicle has passed an emissions inspection test. These tests are available throughout the county at certified "Air Care" stations. For more information about emissions testing, contact the Vehicle Pollution Management Division, 1500 Broadway NE, Albuquerque, NM 87102; (505) 247-2273.

The above list of required documentation applies to the individual who titles and registers a vehicle already titled in his or her name in another state. For information on transfer of title and registration for new or used vehicles, visit the MVD web site at www.mvd.newmexico.gov or contact the Motor Vehicle Division at 1-888-MVD-INFO (1-888-683-4636).

What is the fee for registering my vehicle?

The registration fee varies according to weight and the year the vehicle was first registered. Fees range from \$27 to \$62 for passenger vehicles, and from \$38 to \$207 for non-commercial trucks. Vehicle registration is valid for 12 months.

What kind of automobile insurance must I carry in New Mexico?

You must carry a liability policy (or surety bond or cash deposit) with a minimum of \$25,000 coverage for bodily injury to or death of one person, \$50,000 coverage for bodily injury to or deaths of two or more persons, and \$10,000 for property damage in any one accident. The state's Insurance Identification Database scans motor vehicle insurance records from automobile insurance companies and matches them to the registry of passenger vehicles. This program has dramatically increased compliance with the state's insurance laws and reduced the number of uninsured drivers.

Check the latest MVD information online at www.mvd.newmexico.gov.

TAXPAYER INFORMATION

The Department offers a variety of taxpayer information. Some information is free and other information must be purchased.

General Information. FYIs and Bulletins present general information with a minimum of technical language. All FYIs and Bulletins are free and available through all local tax offices, the Tax Information and Policy Office, and on the Internet. The Taxation and Revenue Department's Internet address is:

<http://www.tax.newmexico.gov>

Regulations. The Department establishes regulations to interpret and exemplify the various tax acts it administers. The Taxation and Revenue Department regulation book is available from the New Mexico Compilation Commission on a prepaid basis. The Compilation Commission also has a compact disk of all statutes and regulations. Specific regulations are also available at the State Records Center or on its web page at www.nmcpr.state.nm.us/nmac.

Order regulation books directly from:

New Mexico Compilation Commission

<http://www.nmcompcomm.us/index.html>

Rulings. Rulings signed by the Secretary and approved by the Attorney General are written statements that apply to one or a small number of taxpayers. A taxpayer may request a ruling (at no charge) to clarify its tax liability or responsibility under specific circumstances. The request for a ruling must be in writing, include accurate taxpayer identification and the details about the taxpayer's situation, and be addressed to the Secretary of the Taxation and Revenue Department at P.O. Box 630, Santa Fe, NM 87504-0630. The taxpayer's representative, such as an accountant or attorney, may request a ruling on behalf of the taxpayer but must disclose the name of the taxpayer. While the department is not required to issue a ruling when requested to do so, every request is carefully considered.

The department will not issue a ruling to a taxpayer who is undergoing an audit, who has an outstanding assessment, or who is involved in a protest or litigation with the department over the subject matter of the request. The Secretary may modify or withdraw any previously issued ruling and is required to withdraw or modify any ruling when subsequent legislation, regulations, final court decisions or other rulings invalidate a ruling or portions of a ruling. Taxation and Revenue Department rulings are compiled and available on the department's web page free of charge at www.tax.newmexico.gov. Click on "tax library."

Public Decisions & Orders. All public decisions and orders issued by the hearing officers since July 1994 are compiled and available on the department's web page free of charge at www.tax.newmexico.gov. Click on "tax library."

FOR FURTHER ASSISTANCE

Local tax offices can provide full service and information about the department's taxes, programs, and forms as well as specific information about your filing situation.

ALBUQUERQUE (505) 841-6200

Taxation and Revenue Department
5301 Central NE
P.O. Box 8485
Albuquerque, NM 87198-8485

LAS CRUCES (575) 524-6225

Taxation and Revenue Department
2540 S. El Paseo Bldg. #2
P.O. Box 607
Las Cruces, NM 88004-0607

SANTA FE (505) 827-0951

Taxation and Revenue Department
Manuel Lujan Sr. Bldg.
1200 S. St. Francis Dr.
P.O. Box 5374
Santa Fe, NM 87502-5374

ROSWELL (575) 624-6065

Taxation and Revenue Department
400 Pennsylvania Ave., Suite 200
P.O. Box 1557
Roswell, NM 88202-1557

FARMINGTON (505) 325-5049

Taxation and Revenue Department
3501 E. Main St., Suite N
P.O. Box 479
Farmington, NM 87499-0479

Main switchboard (Santa Fe): (505) 827-0700

Listed below are state-run motor vehicle field offices in some of the state's most populated areas. If you would like to contact the Motor Vehicle Division by phone, please call their toll-free number, 1-888-683-4636. You may also contact the New Mexico Taxation and Revenue Department, P.O. Box 630, Santa Fe, NM 87504-0630; (505) 827-0700 (switchboard).

ALAMOGORDO

263C Robert H. Bradley Dr.
Alamogordo, 88310

ALBUQUERQUE

801 4st NW
Albuquerque, 87102 (Metro Court)

3211 Coors Blvd. SW #G4
Albuquerque, 87121 (Rio Bravo)

10000 Coors Bypass NW G21
Albuquerque, 87112 (Sandia Vista)

4595 San Mateo NE Ste H10
Albuquerque, 87109 (Montgomery Plaza)

CARLSBAD

401 S. Main
Carlsbad, 88220

CLOVIS

814 W. 6th St.
Clovis, 88101

FARMINGTON

3501 E. Main St. #N
Farmington, 87402

LAS CRUCES

505 S. Main #357
Las Cruces, 88001

120 W. Picacho
Las Cruces, 88004

ROSWELL

200 E. Wilshire
Roswell, 88201

SANTA FE

2546 Camino Entrada
Santa Fe, 87501

SILVER CITY

1876 Hwy 180 East
Silver City, 88061

This publication provides general information. It does not constitute a regulation, ruling, or decision issued by the Secretary of the New Mexico Taxation and Revenue Department. The Department is legally bound only by a regulation or a ruling [§7-1-60, New Mexico Statutes Annotated, 1978]. In the event of a conflict between FYI and statute, regulation, case law or policy, the information in FYIs is overridden by statutes, regulations and case law. Taxpayers and preparers are responsible for being aware of New Mexico tax laws and rules. Consult the Department directly if you have questions or concerns about information provided in this FYI.